

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:22-cr-20152-KMM

UNITED STATES OF AMERICA

v.

ELIZABETH HERNANDEZ,

Defendant.

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**REPORT AND RECOMMENDATIONS**

**THIS CAUSE** is before the Court on the Petition of Christopher Sanchez for Ancillary Hearing (ECF No. 215) and the Government’s Motion to Amend Preliminary Order of Forfeiture (ECF No. 232). The Honorable K. Michael Moore, United States District Judge, referred Mr. Sanchez’s Petition to me to take all necessary and proper action as required by law and/or to issue a Report and Recommendation. (ECF No. 217).

On December 15, 2023, the Court entered a Preliminary Order of Forfeiture. (ECF No. 178). Therein, the Court entered a forfeiture money judgment in the amount of \$1,666,057.24 against Defendant Elizabeth Hernandez, and the following property was forfeited and vested in the United States: real property located at 17121 SW 281st Street, Homestead, FL 33033 (the “Homestead, FL Property”). (*Id.* at 8).

On December 31, 2024, Mr. Sanchez petitioned the Court for an ancillary hearing pursuant to 21 U.S.C. § 853(n). (ECF No. 215). He asserts an interest in the Homestead, FL Property on behalf of himself and his minor children. (*Id.*).

Consistent with 21 U.S.C. § 853(n)(4) and Federal Rule of Criminal Procedure 32.2(c), I set an evidentiary hearing for January 28, 2025, and imposed a deadline of January 14, 2025, to file a

motion to dismiss the Petition or motion to conduct discovery. (ECF No. 218). The Government filed an unopposed motion for extension of time to allow the Parties more time to reach a settlement. (ECF No. 220). I granted the motion and canceled the hearing until further notice. (ECF No. 222). Three weeks later, the Government filed another unopposed motion for extension of time (ECF No. 229), which was granted (ECF No. 230).

The Government now moves to amend the Preliminary Order of Forfeiture. The motion avers that “the United States has elected not to pursue federal forfeiture” of the Homestead, FL Property at this time. (ECF No. 232 at 2). Therefore, the Government seeks to release the Homestead, FL Property from the Preliminary Order of Forfeiture, while retaining the forfeiture money judgment.

According to the Government’s certificate of conferral, Petitioner intends to oppose any effort by the Government to take possession or force the sale of the Homestead, FL Property, whether through forfeiture, foreclosure, restitution, or any other means. Because the Government’s Motion provides Mr. Sanchez with all the relief he sought in his Petition, I recommend the following:

- (1) Christopher Sanchez’s Petition for Ancillary Hearing (ECF No. 215) be **GRANTED**;
- (2) The Government’s Motion to Amend the Preliminary Order of Forfeiture (ECF No. 232) be **GRANTED**;
- (3) The Court release the Homestead, FL Property from the Preliminary Order of Forfeiture; and
- (4) The Preliminary Order of Forfeiture (ECF No. 178) otherwise remain in full force and effect.

A party shall serve and file written objections, if any, to this Report and Recommendations with the Honorable K. Michael Moore, United States District Judge, within **THREE (3) DAYS**<sup>1</sup> of

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<sup>1</sup> The objection period has been reduced from the ordinary 14 days because Mr. Sanchez’s Petition and the Government’s Motion seek the same relief.

being served with a copy of this Report and Recommendations. Responses thereto shall be filed, if at all, within **THREE (3) DAYS** of the objections. Failure to timely file objections will bar a *de novo* determination by the District Judge of anything in this recommendation and shall constitute a waiver of a party's "right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions." 11th Cir. R. 3-1 (2016); 28 U.S.C. § 636(b)(1)(C); *see also Harrigan v. Metro-Dade Police Dep't Station #4*, 977 F.3d 1185, 1191–92 (11th Cir. 2020).

**RESPECTFULLY SUBMITTED** in Chambers in Miami, Florida, this 24th day of February, 2025.

  
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LAUREN F. LOUIS  
UNITED STATES MAGISTRATE JUDGE